

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FILED

NOV -2 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES OF AMERICA,
Plaintiff,

v.

HASSAN ABPIKAR,
Defendant.

No. CR 08-00560 RMW
VERDICT FORM

WE, THE JURY, in this case find the following:

**COUNT ONE - Falsifying and Concealing a Material Fact in a
Matter Before a Government Agency**

1. As to Count One charging that on or about November 29, 2004, Defendant Hassan Abpikar knowingly and willfully failed to disclose material facts to the Department of Homeland Security, in violation of Title 18, United States Code, Section 1001(a)(1), WE FIND Defendant Hassan Abpikar:

_____ Not Guilty

 X Guilty. We find unanimously that Defendant Abpikar falsified or concealed the following material fact or facts. Put a check on the line next to any material fact that you found that Mr. Abpikar falsified or concealed in response to a question on the Form N-400 Application for Naturalization:

 X Question 17 of Part 10.D asked: "Have you EVER been charged with committing any crime or offense?" Mr. Abpikar failed to disclose that on or about December 6, 1979, he was charged by the State of Oklahoma for the offense of Telephoning a Bomb Threat.

_____ Question 17 of Part 10.D asked: "Have you EVER been charged with committing any crime or offense?" Mr. Abpikar failed to disclose that on or about December 7, 1979, he was charged by the State of Oklahoma for the offense of Assault and Battery Upon a Law Officer.

_____ Question 18 of Part 10.D asked: "Have you EVER been convicted of a crime or offense?" Mr. Abpikar failed to disclose that on or about February 27,

1980, he was convicted by the State of Oklahoma for the offense of Telephoning a Bomb Threat.

_____ Question 18 of Part 10.D asked: "Have you EVER been convicted of a crime or offense?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he was convicted by the State of Oklahoma for the offense of Assault and Battery Upon a Law Officer.

_____ Question 20 of Part 10.D asked: "Have you EVER received a suspended sentence, been placed on probation, or been paroled?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he received a suspended sentence by the State of Oklahoma of 2 years imprisonment for the offense of Telephoning a Bomb Threat.

_____ Question 20 of Part 10.D asked: "Have you EVER received a suspended sentence, been placed on probation, or been paroled?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he received a suspended sentence by the State of Oklahoma of 6 months imprisonment for the offense of Assault and Battery Upon a Law Officer.

COUNT TWO - False Statement Under Oath Relating to Naturalization or Citizenship

2. As to Count Two charging that on or about November 29, 2004, Defendant Hassan Abpikar, knowingly made a false statement under oath to the Department of Homeland Security, related to naturalization or citizenship in violation of Title 18, United States Code, Section 1015(a), WE FIND Defendant Hassan Abpikar:

_____ Not Guilty

☒ Guilty. We find unanimously that Defendant Abpikar made one or more of the following false statement(s). Put a check on the line next to any statement that you found that Mr. Abpikar made that was false and related to naturalization or citizenship:

☒ Question 17 of Part 10.D asked: "Have you EVER been charged with committing any crime or offense?" Mr. Abpikar failed to disclose that on or about December 6, 1979, he was charged by the State of Oklahoma for the offense of Telephoning a Bomb Threat.

_____ Question 17 of Part 10.D asked: "Have you EVER been charged with committing any crime or offense?" Mr. Abpikar failed to disclose that on or about December 7, 1979, he was charged by the State of Oklahoma for the offense of Assault and Battery Upon a Law Officer.

_____ Question 18 of Part 10.D asked: "Have you EVER been convicted of a crime or offense?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he was convicted by the State of Oklahoma for the offense of Telephoning a Bomb Threat.

_____ Question 18 of Part 10.D 18 asked: "Have you EVER been convicted of a crime or offense?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he was convicted by the State of Oklahoma for the offense of Assault and Battery Upon a Law Officer.

_____ Question 20 of Part 10.D asked: "Have you EVER received a suspended sentence, been placed on probation, or been paroled?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he received a suspended sentence by the State of Oklahoma of 2 years imprisonment for the offense of Telephoning a Bomb Threat.

_____ Question 20 of Part 10.D asked: "Have you EVER received a suspended sentence, been placed on probation, or been paroled?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he received a suspended sentence by the State of Oklahoma of 6 months imprisonment for the offense of Assault and Battery Upon a Law Officer.

X Question 4.A requires the identification of the applicant's home address. Mr. Abpikar falsely stated that his home address was "3254 Fleur De Lis Ct., San Jose, Calif." at the time of the filing of the application.

X Question 3.G asked for the applicant's marital status. Mr. Abpikar falsely checked the box marked "Single, Never Married" even though he had previously been married and divorced.

COUNT THREE - Perjury

3. As to Count Three charging that on or about November 29, 2004, Defendant Hassan Abpikar knowingly made a false material declaration under oath to the Department of Homeland Security, in violation of Title 18, United States Code, Section 1621, WE FIND Defendant Hassan Abpikar:

_____ Not Guilty

X _____ Guilty. We find unanimously that Defendant Abpikar made one or more of the following false statements under oath. Put a check on the line next to any declaration that you unanimously found that Mr. Abpikar made under oath:

X Question 17 of Part 10.D asked: "Have you EVER been charged with committing any crime or offense?" Mr. Abpikar failed to disclose that on or about December 6, 1979, he was charged by the State of Oklahoma for the offense of Telephoning a Bomb Threat.

_____ Question 17 of Part 10.D asked: "Have you EVER been charged with committing any crime or offense?" Mr. Abpikar failed to disclose that on or about December 7, 1979, he was charged by the State of Oklahoma for the offense of Assault and Battery Upon a Law Officer.

_____ Question 18 of Part 10.D asked: "Have you EVER been convicted of a crime or offense?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he was convicted by the State of Oklahoma for the offense of Telephoning a Bomb Threat.

_____ Question 18 of Part 10.D asked: "Have you EVER been convicted of a crime or offense?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he was convicted by the State of Oklahoma for the offense of Assault and Battery Upon a Law Officer.

_____ Question 20 of Part 10.D asked: "Have you EVER received a suspended sentence, been placed on probation, or been paroled?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he received a suspended sentence by the State of Oklahoma of 2 years imprisonment for the offense of Telephoning a Bomb Threat.

_____ Question 20 of Part 10.D asked: "Have you EVER received a suspended sentence, been placed on probation, or been paroled?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he received a suspended sentence by the State of Oklahoma of 6 months imprisonment for the offense of Assault and Battery Upon a Law Officer.

**COUNT FOUR - Falsifying and Concealing a Material Fact
in a Matter Before a Government Agency**

4. As to Count Four charging that on or about May 18, 2005 Defendant Hassan Abpikar knowingly and willfully failed to disclose material facts to the Department of Homeland Security, in violation of Title 18, United States Code, Section 1001(a)(1), WE FIND Defendant Hassan Abpikar:

_____ Not Guilty

X _____ Guilty. We find unanimously that Defendant Abpikar falsified or concealed the following material fact or facts. Put a check on the line next to any

material fact that you found that Mr. Abpikar falsified or concealed in response to a question on the Form N-400 Application for Naturalization:

_____ Question 17 of Part 10.D asked: "Have you EVER been charged with committing any crime or offense?" Mr. Abpikar failed to disclose that on or about December 6, 1979, he was charged by the State of Oklahoma for the offense of Telephoning a Bomb Threat.

_____ Question 17 of Part 10.D asked: "Have you EVER been charged with committing any crime or offense?" Mr. Abpikar failed to disclose that on or about December 7, 1979, he was charged by the State of Oklahoma for the offense of Assault and Battery Upon a Law Officer.

_____ Question 18 of Part 10.D asked: "Have you EVER been convicted of a crime or offense?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he was convicted by the State of Oklahoma for the offense of Telephoning a Bomb Threat.

_____ Question 18 of Part 10.D asked: "Have you EVER been convicted of a crime or offense?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he was convicted by the State of Oklahoma for the offense of Assault and Battery Upon a Law Officer.

_____ Question 20 of Part 10.D asked: "Have you EVER received a suspended sentence, been placed on probation, or been paroled?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he received a suspended sentence by the State of Oklahoma of 2 years imprisonment for the offense of Telephoning a Bomb Threat.

_____ Question 20 of Part 10.D asked: "Have you EVER received a suspended sentence, been placed on probation, or been paroled?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he received a suspended sentence by the State of Oklahoma of 6 months imprisonment for the offense of Assault and Battery Upon a Law Officer.

X Question 16 of Part 10.D asked: "Have you ever been arrested, cited, or detained by a law enforcement officer (including INS and military officers) for any reason?" Mr. Abpikar represented in response to Question 16 of Part 10.D that he had disclosed relevant prior criminal conduct and court proceedings, when, in fact, he had failed to disclose that on May 14, 2005 he was arrested, cited and detained by the State of California for the offenses of Burglary—First Degree, Receiving Stolen Property, Possessing Burglary Tools and Theft of Personal Property/Petty Theft.

**COUNT FIVE - False Statement Under Oath Relating to
Naturalization or Citizenship**

5. As to Count Five that charges on or about May18, 2005, Defendant Hassan Abpikar knowingly made a false statement under oath to the Department of Homeland Security, in violation of Title 18, United States Code, Section 1015(a), WE FIND Defendant Hassan Abpikar:

_____ Not Guilty

 X Guilty. Put a check on the line next to any statement that you found that Mr. Abpikar made that was false and related to naturalization or citizenship:

_____ Question 17 of Part 10.D asked: "Have you EVER been charged with committing any crime or offense?" Mr. Abpikar failed to disclose that on or about December 6, 1979, he was charged by the State of Oklahoma for the offense of Telephoning a Bomb Threat.

_____ Question 17 of Part 10.D asked: "Have you EVER been charged with committing any crime or offense?" Mr. Abpikar failed to disclose that on or about December 7, 1979, he was charged by the State of Oklahoma for the offense of Assault and Battery Upon a Law Officer.

_____ Question 18 of Part 10.D asked: "Have you EVER been convicted of a crime or offense?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he was convicted by the State of Oklahoma for the offense of Telephoning a Bomb Threat.

_____ Question 18 of Part 10.D asked: "Have you EVER been convicted of a crime or offense?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he was convicted by the State of Oklahoma for the offense of Assault and Battery Upon a Law Officer.

_____ Question 20 of Part 10.D asked: "Have you EVER received a suspended sentence, been placed on probation, or been paroled?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he received a suspended sentence by the State of Oklahoma of 2 years imprisonment for the offense of Telephoning a Bomb Threat.

_____ Question 20 of Part 10.D asked: "Have you EVER received a suspended sentence, been placed on probation, or been paroled?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he received a suspended sentence by the State of Oklahoma of 6 months imprisonment for the offense of Assault and Battery Upon a Law Officer.

X Question 16 of Part 10.D asked: "Have you ever been arrested, cited, or detained by a law enforcement officer (including INS and military officers) for any reason?" Mr. Abpikar represented in response to Question 16 of Part 10.D that he had disclosed relevant prior criminal conduct and court proceedings, when, in fact, he had failed to disclose that on May 14, 2005 he was arrested, cited and detained by the State of California for the offenses of Burglary—First Degree, Receiving Stolen Property, Possessing Burglary Tools and Theft of Personal Property/Petty Theft.

X Question 4.A requires the identification of the applicant's home address. Mr. Abpikar falsely stated that his home address was "3254 Fleur De Lis Ct., San Jose, Calif." at the time of the filing of the application.

X Question 3.G asked for the applicant's marital status. Mr. Abpikar falsely checked the box marked "Single, Never Married" even though he had previously been married and divorced.

COUNT SIX- Perjury

6. Count Six charges that on or about the May18, 2005, Defendant Hassan Abpikar knowingly made a false material declaration under oath to the Department of Homeland Security, in violation of Title 18, United States Code, Section 1621, WE FIND Defendant Hassan Abpikar:

_____ Not Guilty

X Guilty. We find unanimously that Defendant Abpikar made one or more of the following declarations under oath that was material. Put a check on the line next to any declaration that was false and material and that you unanimously found that Mr. Abpikar made under oath:

_____ Question 17 of Part 10.D asked: "Have you EVER been charged with committing any crime or offense?" Mr. Abpikar failed to disclose that on or about December 6, 1979, he was charged by the State of Oklahoma for the offense of Telephoning a Bomb Threat.

_____ Question 17 of Part 10.D asked: "Have you EVER been charged with committing any crime or offense?" Mr. Abpikar failed to disclose that on or about December 7, 1979, he was charged by the State of Oklahoma for the offense of Assault and Battery Upon a Law Officer.

_____ Question 18 of Part 10.D asked: "Have you EVER been convicted of a crime or offense?" Mr. Abpikar failed to disclose that on or about February 27,

1980, he was convicted by the State of Oklahoma for the offense of Telephoning a Bomb Threat.

_____ Question 18 of Part 10.D asked "Have you EVER been convicted of a crime or offense?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he was convicted by the State of Oklahoma for the offense of Assault and Battery Upon a Law Officer.


_____ Question 20 of Part 10.D asked: "Have you EVER received a suspended sentence, been placed on probation, or been paroled?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he received a suspended sentence by the State of Oklahoma of 2 years imprisonment for the offense of Telephoning a Bomb Threat.

_____ Question 20 of Part 10.D asked: "Have you EVER received a suspended sentence, been placed on probation, or been paroled?" Mr. Abpikar failed to disclose that on or about February 27, 1980, he received a suspended sentence by the State of Oklahoma of 6 months imprisonment for the offense of Assault and Battery Upon a Law Officer.

X Question 16 of Part 10.D asked: "Have you ever been arrested, cited, or detained by a law enforcement officer (including INS and military officers) for any reason?" Mr. Abpikar represented in response to Question 16 of Part 10.D that he had disclosed relevant prior criminal conduct and court proceedings, when, in fact, he had failed to disclose that on May 14, 2005 he was arrested, cited and detained by the State of California for the offenses of Burglary —First Degree, Receiving Stolen Property, Possessing Burglary Tools and Theft of Personal Property/Petty Theft.

Dated:

11/2/10


Foreperson